



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

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Public Hearing Date:	9 March 2004
Land Use Action Date:	4 May 2004
Board of Aldermen Action Date:	17 May 2004
90-Day Expiration Date:	7 June 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Jennifer Goldson, Principal Planner

SUBJECT: #114-04 JOHN A. GROSSMAN & KATHARINE H. OLMSTEAD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to locate an accessory apartment in an existing 1½-story garage, including exterior construction of a required 40 s.f. entryway and waiver of parking dimensional requirements, at 158 HOBART ROAD, Ward 7, CHESTNUT HILL, on land known as Sec 61, Blk 18, Lot 1, containing approx. 28,109 sf of land in a district zoned SINGLE RESIDENCE 1.
Ref: Sec 30-24, 30-23, 30-8(d) 30-19(g) & (m) of the City of Newton Rev Zoning Ord, 2001.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen, the Mayor, and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The subject property is located at 158 Hobart Road and is improved with a two-and-a-half story Colonial Revival style single-family residence and a one-story, two-car garage with a gable roof. Both the house and garage were built circa 1916 and the property is listed on the National Register of Historic Places as part of the Monadnock Road Historic District. Both the house and garage are constructed of brick with slate roofs. The topography of the lot has dramatic grade changes so that the house is located approximately 19 feet above the grade of the garage.

The petitioners plan to convert the existing garage to a guest house through interior modifications, replacement of the garage doors with french doors, and constructing a mudroom addition which would replace the slate-roof door hood with brackets and the wooden batten door. In addition, the petitioners propose to construct a 40 square-foot storage shed attached to the east side of the existing garage. The garage is not currently used to store cars due to its inconvenient location on the site that is caused by the dramatic grade change and its distance from the main house.

The petitioners also propose to remove over 75% of the existing driveway that provides access to the garage (the existing driveway is 2,550 s.f., of which 1,925 s.f. of impervious surface will be removed). The area will be landscaped with shrubs, trees, and lawn to provide usable open space for the proposed accessory apartment. The remaining portion of the driveway would accommodate parking for one car and would be designated for the accessory apartment. The existing brick driveway will be maintained and continue to be used to provide two parking spaces for the principal residence.

The Chief Zoning Code Official has completed his zoning review of this petition, dated 3 March 2004, (SEE ATTACHMENT "A"), and cites the need for approval from the Board for a detached accessory apartment in Single Residence 1 and the Overlay District D with a lot size less than 30,000 s.f. and a waiver to allow accessory apartment parking stall to be partially located within the front setback.

II. ZONING RELIEF BEING SOUGHT

The petitioners are seeking relief from or approval through:

- *Section 30-8 (d)(2) allows the Board of Aldermen to grant a special permit to allow an accessory apartment in a detached structure; and*
- *Section 30-19 (m) allows the Board of Aldermen to grant a special permit to allow for exceptions to the provisions of Section 30-19 Parking and Loading Facility Requirements:*
 - *Section 30-19 (g) requires that no parking stalls be located within any required setbacks except, in conjunction with a one- or two-family dwelling, one parking stall per one- or two-family dwelling may be located within required setback but no less than five feet from the street.*

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- *Whether the proposed accessory apartment is an appropriate use for this location and structure; and*
- *Whether the proposed alterations to the garage and the proposed vehicle circulation and parking would adversely affect the neighborhood.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The building is located at 158 Hobart Road, (Section 61, Block 18, Lot 1), which is in a Single Residence 1 Zoning District. The site is improved with a brick Colonial Revival style house and a matching garage that were built ca. 1916. The main house has approximately 3,891 square feet of living area and the garage is approximately 564 s.f.

B. Neighborhood

The neighborhood consists primarily of large single-family houses that were built in the early-mid 20th century. The subject property is located on the corner of Wachusett Road and Hobart Road with the primary façade of the house fronting on Hobart Road. The access driveways for both the main house and the garage are located on Wachusett Road. The garage is setback approximately 120 feet from Wachusett Road and is more than 10 feet below the grade of the road.



158 Hobart Road – Front of Main House



**158 Hobart Road – Garage looking down
from terrace to rear of Main House**





152 Hobart Road - Garage and driveway



V. ANALYSIS

A. Technical Considerations

The following table compares the existing garage and proposed additions to the pre-1953 technical requirements for an accessory apartment in a detached structure in a Single Residence 1 District and in an Overlay D District. The table illustrates that the proposal meets the special permit thresholds of Section 30-8 for a pre-1953 lot because the lot is over 15,000 s.f., and the total building size (including the principal building and the garage/accessory apartment) is over the minimum of 3,200 s.f. (in fact, the building size is over the RAAP minimum threshold of 4,000 s.f.).

Single Residence 1	Required	Existing	Proposed
Min. lot size Acc. Apt. for special permit (30-8)	15,000 s.f.	28,109 s.f.	28,109 s.f.
Frontage	100 ft.	±255 ft.	±255 ft.

Setbacks Acc. Bld. (30-15(m)(1))			
Front	25 ft.	±120 ft.	±120 ft.
Side	5 ft.	13.3 ft. (east)	7.9 ft. (east)
Rear	5 ft.	18 ft.	18 ft.
Building height Acc. Bld (30-15(m)(2))	18 ft.	14.5 ft.	14.5 ft.
Max. # of stories	1.5 stories	1.5 stories	1.5 stories
Min. Total Building size for RAAP (30-8)	4,000 s.f.	4,455 s.f.	4,495 s.f.
Min. Total Building size for Special Permit (30-8)	3,200 s.f.	4,455 s.f.	4,495 s.f.
Building size Acc. Apt. (30-8)	400-1200 s.f.	564 s.f.	604 s.f.
Max. building lot coverage	20%	10%	10.3%
Min. amount of open space	65%	74%	85%

As illustrated above, the existing garage conforms to all setback and dimensional requirements for an accessory apartment through special permit. This proposal cannot be done by-right because in Overlay D District the lot requirement is a minimum of 30,000 s.f.

B. Land Use

The land uses surrounding the subject property are primarily large single-family houses on lots ranging from approximately 9,500 s.f. to over 28,000 s.f. This lot is one of the larger lots in the neighborhood with 28,109 s.f. The abutting property to the east (60 Wachusett Road) is a large single-family house and a garage. Both of the structures on this abutting property are located approximately 20 feet above the grade of the subject garage (according to Newton GIS database, the subject garage is at an elevation of 222 ft. and the abutting structures are at 242 ft.). The main house at 60 Wachusett is located approximately 90 feet (horizontally) from the subject garage.

The abutting property to the rear (south side) at 41 Intervale Road also has a single-family house and a garage. These structures are located approximately 30 feet below the grade of the subject garage (according to GIS, the main house at 41 Intervale is at an elevation of 192 ft.). The main house at 41 Intervale is located approximately 100 feet (horizontally) from the subject garage.

C. Building Design and Site Improvements

The garage was likely built in circa 1916 at the same time as the house. It is a Colonial Revival style garage constructed of brick with similar features as the house including the gable roof sheathed with slate, cornice returns, and 6/6 sash windows.

The garage also has an entry on the west elevation that provides access to exterior stairs leading to the rear of the main house. This entry is a significant architectural element of this otherwise simple garage and includes a shed-roof door hood with decorative brackets and a wooden batten door with a six-pane

round arched center light and large wrought iron decorative hinges. The plans dated 2/3/04 depict removing this entry in its entirety and replacing with a new mudroom addition. Since the special permit needed under Section 30-8 includes the provision that exterior alterations should be in keeping with the architectural integrity of the structure, the Planning Department requested a modified design that would preserve the historic features of the entry and, possibly, incorporate them into the design of the proposed mudroom addition. *[Please Note: The Preservation Planner was consulted in the process of discussing this design improvement and indicated her support. This project does not involve Historical Commission review].*

Based on Planning Department suggestions, new plans were submitted on 2/27/04 that modify the design of the mudroom to incorporate a door hood and brackets that are similar to the original (*SEE ATTACHMENT "C"*). Staff also requested reusing the existing batten door, which the petitioners and their architects have verbally agreed to do.

The proposal also includes replacing the garage doors with french doors and wood panels on either side. In addition, the plans call for removing over 75% of the existing asphalt driveway and replacing it with landscaping that includes new trees, shrubs, and lawn. The required parking space for the accessory unit would be provided in the portion of the existing driveway that is to remain, near the street. The parking for the main house will not change from its present location and configuration in the existing brick driveway that is closer to the main house.

D. Department/Commission Reviews

The Acting City Engineer is expected to provide further review comments prior to the public hearing.

E. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets.

The proposed circulation layout will not change from the present condition where two driveways provide access to the lot from Wachusett Road. However, the driveway leading to the garage will be substantially reduced in length to provide a landscaped open space area in front of the proposed accessory apartment. The remaining driveway is proposed to be approximately 40 feet long, which is adequate to provide the one parking space that is required for the accessory apartment. However, both the parking for the accessory apartment and the existing parking for the main house would encroach approximately 6 feet into the required front yard setback (required setback is 25 feet). Although one parking stall for the main house is allowed to encroach into the front yard setback, a special permit is needed for the proposed location of the accessory apartment parking stall.

2. Screening of parking areas and structures on the site from adjoining premises or from street by walls, fences, plantings, or other means.

Both driveways and parking areas on the site are already existing, albeit the driveway to the existing garage will be substantially reduced. The parking area for the accessory apartment is well screened by the natural topography of the site and the abutting site as well as existing vegetation.

3. Avoidance of the removal or disruption of historic resources including historical architectural elements.

As discussed above, according to the original plans dated 2/3/04, the design of the mudroom addition on the west elevation would remove the original door hood, brackets, and batten door. However, based on Planning Department suggestions, new plans were submitted on 2/27/04 that modify the design of the mudroom to incorporate a door hood and brackets that are similar to the original. Staff also requested reusing the existing batten door, which the petitioners and their architects have verbally agreed to.

F. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use, structure

The location of the subject garage is fairly isolated from direct abutters and from the main house due to the dramatic natural topography of the land, existing mature vegetation, and the significant distance between structures. Therefore, the location of the garage appears to be appropriate for conversion to an accessory apartment. In addition, the size of the existing garage (565 s.f.) with the two small additions appears to be an appropriate size to accommodate the intended use.

2. The use as developed and operated will not adversely affect the neighborhood.

Due to the physical isolation of the subject garage, as explained above, it appears that the proposed accessory apartment and the associated parking space would not adversely affect the neighborhood.

VI. SUMMARY

The subject property is located at 158 Hobart Road and is improved with a two-and-a-half story Colonial Revival style single-family house and a one-story, two-car garage with a gable roof. Both the house and garage were built circa 1916 and are listed on the National Register of Historic Places as part of the Monadnock Road Historic District. The petitioners plan to convert the existing garage into an accessory apartment with a 40 s.f. mudroom addition and a 40 s.f. shed addition.

Prior to the Working Session:

1. *The petitioners should respond to the issues raised by Chief Zoning Code Official*

including:

- a. Submitting revised architectural plans that are signed/stamped and indicate both the author and date;*
- b. Submitting a notarized affidavit evidencing compliance with the requirement that there will be no lodgers in the original dwelling or the accessory dwelling;*
- c. Submitting revised site plans that depict the topographic contours between the subject lot and the abutting lot at 60 Wachusett Road that would serve as landscaped buffers for the parking area;*
- d. Submitting information as to the previous use and intended future use of the second floor of the garage to determine applicable zoning and building code requirements; and*
- e. Submitting a letter that is stamped by an architect that addresses requirement that the alterations are . . . “in keeping with the architectural integrity of the structure and the residential character of the neighborhood.”*